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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Debasish Banerjee

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IBM CORPORATION, INTELLECTUAL PROPERTY LAW
DEPT 917, BLDG. 006-1
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EXAMINER

DESAI, RACHNA SINGH

ART UNIT

PAPER NUMBER

2176

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 09/904,734</p>	<p>Applicant(s) BANERJEE ET AL.</p>	
	<p>Examiner RACHNA S. DESAI</p>	<p>Art Unit 2176</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Rachna S Desai/
Primary Examiner, Art Unit 2176

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been fully considered and are not persuasive. On pages 9-12, Applicant argues Veditz does not teach a first code-set converter corresponding to the first code-set converter designation which maps characters of the request character set designation to corresponding characters of the first code-set converter designation. Examiner disagrees. In Fig. 2B and 2C - i.e. "LDID Value"; col. 13, lines 1-67 to col. 14, lines 1-62 Veditz discloses where each character set is associated with a code-set designation in a lookup table that maps the associations. Veditz also teaches associating the response character set designation with a second code-set converter designation, wherein the second code-set converter designation is contained in a lookup table and is mapped in the lookup table with the character set assigned to the response character set designation, and wherein a second code-set converter corresponding to the second code-set converter designation maps characters of the response character set designation to corresponding characters of the second code-set converter designation while processing the response. (See fig. 2B and 2C - i.e. "LDID Value"; see also col. 13, lines 1-67 to col. 14, lines 1-62 where each character set is associated with a code-set designation in a lookup table that maps the associations).

On pages 12-15, Applicant makes a similar assertion with respect to Veditz and its failure to teach mapping one character set to another set with respect to the 103 rejections over Veditz in view of Watanabe. As stated above, Examiner disagrees because the LDID value is used to identify a language driver that references a character set therefore Veditz does teach mapping a character set to another character set. See fig. 2B and 2C - i.e. "LDID Value"; see also col. 13, lines 1-67 to col. 14, lines 1-62 where each character set is associated with a code-set designation in a lookup table that maps the associations.

Applicant further argues Veditz fails to disclose certain limitations that have already been affirmed by the BPAI. Under the principles of res judicata and collateral estoppel, applicant is not entitled to claims that are patentably indistinguishable. Since the BPAI has already rendered a decision regarding various features argued by the Applicant, the Examiner will not address these limitations other than to refer to the Decision rendered by the BPAI on 09/05/07 and the Decision on Reconsideration rendered on 03/31/08.

Regarding the limitation, selecting a character set to assign to the response character set designation by associating the locale information contained in the server response with the response character set designation using the mapping data, Applicant argues this limitation is not taught by Veditz.

Examiner disagrees for reasons stated in the Examiner's Answer and reiterated below.

Veditz teaches— if Active LDID is not equal to Local LDID it maps the Local LDID into the Active LDID which meets the limitation, selecting a character set to assign to the request character set; see figure 2b, also col. 3, lines 54-60; col. 7, lines 52-64; col. 18, lines 21-26. Veditz does not specifically teach client-server communications, including using a network communication protocol. However, Watanabe teaches a method and system for developing and testing internationalized software including a multibyte English locale directed to a network communication protocol for the purpose of transferring locale information over computer networks (see col. 5 lines 34-46, col. 6, lines 8-28). A network is fundamentally a distributed architecture system in which software is split between client-server tasks. A client sends requests to a server, according to some communications protocol, asking for information or action, and the server responds. A network communication protocol is a hardware or software standard that governs data transmission between computers. The term "protocol" is very generic and is used for hundreds of different communication methods. Therefore, if not inherent, at the very least it was obvious to one of ordinary skill in the art at the time of the invention was made that a network includes client-server communications, communications protocols, client requests or server responses. Thus it would have been obvious at the time of the invention was made to a person having ordinary skill in the art to modify the teaching of Veditz with the teachings of Watanabe to include client-server communications, including using a network communication protocol for the purpose of transferring locale information over computer networks from a server to a client – since a network is fundamentally a client/server architecture for sending and receiving information.

In view of the comments above, the rejections are maintained.